

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
6	Any newly appointed CEO of a local government undertake an independent course of education established by the Department (CEO Induction Programme), with an assessment component, on the role, functions and duties and responsibilities of local government CEOs. The CEO Induction Programme should be required regardless of whether the new appointee has been previously employed as a CEO, but with some provision for advanced standing, where appropriate.	✓			The CEO induction program could be developed and delivered by/in conjunction with industry bodies such as WALGA or LG Professionals.
7	The CEO Induction Programme include instruction as to obligations under, including but not limited to, the <ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i> and regulations;</li> <li>• <i>Corruption, Crime and Misconduct Act 2003</i>;</li> <li>• <i>State Records Act 2000</i>;</li> <li>• <i>Equal Opportunity Act 1984</i>; and</li> <li>• <i>Occupational Safety and Health Act 1984</i>.</li> </ul>	✓			
8	A panel of independent training providers be established by the Department to deliver the CEO Induction Programme, including all training and assessment components, and report on the outcomes of compliance with the programme to the council of the local government.	✓			As noted above, the current capacity of the Department to deliver this is in question. It may be appropriate for them to oversee a process delivered by a third party.
20	The <i>Local Government Act 1995</i> be amended to provide for the Director-General of the Department to prescribe a single mandatory Code of Conduct (Code) for all council members, members of council committees (committee members) and employees of a local government, which will set minimum standards to comprehensively regulate all conduct engaged in by council members, committee members and employees in the discharge of their duties and functions, including, but not limited to, the disclosure of conflicts of interest, financial interests and gifts.			?	Given the difference in requirements of the roles, it may be appropriate to maintain separate Codes for Elected Members and Officers. Whilst there will certainly be a number of principles applicable to both (which could be captured in a single document), there will likely also be some role-specific areas that – in all contained within the same document – will need to be clearly delineated to avoid role confusion.
21	The provisions of the Code be principles-based and incorporate the principles of integrity, diligence, fairness, service, transparency and accountability.	✓			
22	The Code should mandate compliance with the standards that the community expects from public officers, namely, to act in the best interests of the community, with reasonable care and diligence and with honesty, integrity and transparency, having regard to relevant and factually correct information.	✓			

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
23	The Code deal with the matters in Part 5, Division 6 of the <i>Local Government Act 1995</i> and the <i>Local Government (Rules of Conduct) Regulations 2007</i> , with those provisions to be repealed			?	Whilst the general principles of a code of conduct would be shared between Elected Members and Officers, some aspects of the role will be unique to one group or the other. Depending upon the level of specificity intended in the new Code, it may be appropriate to maintain separate documents for the two groups, perhaps underpinned by a shared set of principles.
24	A local government may, in addition to the Code, regulate other aspects of the conduct of council members, committee members and employees, or impose greater constraints on conduct than those regulated by the Code, but cannot do so in a way which derogates from or is in conflict with the Code's minimum requirements.	✓			
25	The Department arrange for an independent review of the Code, at three-yearly intervals, to determine whether it remains effective and relevant and whether it should be updated and amended.	✓			Supported however LGAs should be able to provide comment on any recommended changes
26	Any breach of the Code be subject to the imposition of a sanction commensurate with the breach.	✓			It will be important to address the process by which breaches are reported, investigated and sanctions determined. Key to this will be the parties/bodies responsible for each of those steps.
28	Local governments be required to provide newly elected council members, elected committee members and employees with training on the Code including an assessment component, as part of the induction process.	✓			Universal training is now a requirement under the existing LG Act, but not mandatory (in any way that can be enforced).
29	All Council members and employees undergo training on the Code when it is introduced and refresher training on the Code, including and assessment component at no less than 12-month intervals.		X		Support the premise, but 12-month intervals are considered too frequent. Biennially, coinciding with the election cycle, would be more suitable.
30	The Department establish the training programmes described in Recommendations 28-29 and publish comprehensive training materials on its website, for use by internal and external facilitators, in delivering the programme to council members and employees.	✓			Again, this is supported, contingent to the Department being adequately resourced to deliver upon this. WALGA and/or LG Professionals WA could deliver this on behalf of the Department if required
31	The Department consider establishing a standardised method for the assessment component of the training programme which is low burden, for both the facilitator and recipients of the training, and to allow the content to be easily updated.	✓			Note comments relating to #30. Both WALGA and LG Professionals WA already have established training arms.
32	The training programmes and materials be reviewed annually by the Department, and where possible, include recent examples and case studies which are relevant to the training content	✓			Any review should incorporate feedback from the sector and elected members/employees who have completed the training

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
33	The Department to consider the inclusion of reporting against compliance with the code training requirement in a local government's compliance audit return, split by category, namely, council members, committee members, candidates, the CEO, "senior employees" or equivalent and employees.	✓			This is supported, noting that it will constitute an additional compliance burden upon Local Governments. The training and Code must be truly meaningful to justify this, or it simply becomes another box-ticking exercise.
34	Local governments be required to publish in their Annual Report their percentage of compliance for the financial year with the Code training requirement, according to the specified categories (as described in Recommendations 33).	✓			Supported, echoing the comments of #33
38	The Department establish a Mayoral Leadership Coaching Programme for newly elected mayors and presidents, delivered by accredited coaching providers, to support mayors and presidents build their non-technical and leadership skills as part of continuing professional development.	✓			In the past, training for Presidents and Deputy Presidents used to be undertaken by WALGA and formed part of the Local Government Week Training and this could be re-instated to reduce costs
39	An independent accredited executive coach, with formal experience in leadership coaching, be appointed to support and mentor a newly elected mayor or president in their transition into the role and for continuing professional development particularly the development of skills necessary to provide effective community leadership and manage relationships with the local government and the CEO. Coach to be selected by the mayor or president from a panel of suppliers provided by the Department .			?	The proposal has merit, but there are concerns about the cost impost – particularly for smaller, regional and remote local governments.  There are also questions about the value for experienced mayors/presidents.  It would also be proposed that any coach have at least a basic level of familiarity with the local government sector.
42	The Department establish a CEO Professional Leadership Coaching Programme for CEOs of local governments, delivered by accredited coaching providers, to support CEOs to build their non-technical and leadership skills both in their transition into the role and for continuing professional development	✓			It is noted that LG Professionals WA already operate a long-running Executive Leadership Program which addresses these items; this recommendation could build from that.  Again, the Department's capacity to deliver on items like this is currently a concern.
43	An independent accredited executive coach, with formal experience in leadership coaching, be appointed, to support and mentor a CEO (including new and current CEOs) in his or her role and continuing professional development, particularly the development of skills necessary to provide effective community leadership and manage relationships within and between the council and the CEO. The coach to be selected by the CEO from a panel of suppliers provided by the Department.			?	As with #39, the cost implications of this are worthy of consideration, along with the value experienced CEOs will derive.

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
47	<p>To the extent these matters are not sufficiently dealt with in the Council Member Essentials training, regulation 35(2) of the <i>Local Government (Administration) Regulations 1996</i> be amended to require council members to undergo training on:</p> <ul style="list-style-type: none"> <li>• the statutory roles and functions of, and the relationships between, the council, Mayor or President, council members, the CEO and other employees of the local government, including: <ul style="list-style-type: none"> <li>○ council's role as the governing body of the local government and the administration's role in managing the local government's operations;</li> <li>○ decision-making processes of local governments, including council and committee meeting procedures;</li> <li>○ how council, the CEO and the administration can and should work constructively; and</li> <li>○ how council can and should monitor and manage the CEO's and the local government's performance;</li> </ul> </li> <li>• conduct and integrity in decision-making, including declaring and managing conflicts of interests;</li> <li>• financial management and the Integrated Planning and Reporting Framework; and</li> <li>• leadership, including council members' role as elected representatives of the community</li> </ul>	✓			The Universal Training for elected members currently considers these items, but is not mandatory.
49	<p>The State Government consider amending section 5.128 of the <i>Local Government Act 1995</i> and prescribing regulations to require local governments, in preparing and adopting policy on continuing professional development:</p> <ul style="list-style-type: none"> <li>• to extend the policy to committee members and senior employees;</li> <li>• to consider the individual training and professional development needs of council members, committee members and senior employees; and</li> <li>• to require training and professional development courses to be delivered by independent and qualified training providers who are members of a panel of training providers established by DLGSC, with assessment undertaken as part of the course.</li> </ul>	✓			The financial impact on small, regional and remote local governments of such a policy will need to be considered.

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
50	Committee members, including those who are council members, as part of their continuing professional development, receive training in respect of the specialised skills and knowledge required to competently carry out that committee function.			?	Whilst not opposed, this requirement comes with a price tag and could be otherwise managed by having suitably qualified independent committee members. It also raises the question as to whether this will lead to a situation where there will be a basic level of skill/competency in a given area to be selected for a committee, and whether that is reasonable.
51	The training described in Recommendation 50 be received before the committee member serves on the relevant committee or, if that is not practicable, as soon as practicable after the appointment of the committee.			?	As per recommendation 50
52	Local governments to report all continuing professional development compliance to the Department.			?	Would like clarification as to the degree of reporting required/expected, noting the potential administrative burden this could create (versus the perceived benefit)
53	The Salaries and Allowances Tribunal consider whether the hours undertaken for continuing professional development be provided for under council members' sitting fees or whether a further allowance be granted for this purpose.			?	It is noted that this could require a serious review of the sitting fees for smaller local government elected members
57	Part 2 of the <i>Local Government (Administration) Regulations 1996</i> be amended to require all council meetings and committee meetings of Council be audio-visually recorded in their entirety, which recordings should be kept in compliance with the <i>State Records Act 2000</i> .			?	Will have cost impact, particularly on smaller, regional and remote local governments.
58	Audio-visual recordings of all parts of meetings of a council or a committee of the council that were open to members of the public be prescribed pursuant to section 5.96A(1)(i) of the <i>Local Government Act 1995</i> as information which the CEO must publish on a local government's official website			?	Will have cost impact, particularly on smaller, regional and remote local governments.  Will cause particular challenges for local governments with limited internet bandwidth.
59	Audio-visual recordings of all parts of meetings of a council or a committee of the council that were open to members of the public be prescribed pursuant to section 5.94(u)(ii) of the <i>Local Government Act 1995</i> as information which a person attending the office of a local government during business hours may inspect.			?	Should 58 be adopted, this will require local governments to have a computer/tablet available for this purpose.
60	Regulation 11(da) of the <i>Local Government (Administration) Regulations 1996</i> be amended to require the reasons for all decisions of council or a committee of council be recorded in writing in the minutes of the meeting in sufficient detail to explain why the decision was made.	✓			Supported, on the assumption that the officer-prepared business paper serves this purpose in and of itself when the officer recommendation is passed and that no additional detail is required in these instances.

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
61	Local governments ensure that their policies make clear that all communications sent or received by any council member relating to any decision of a council or a committee of the council (Decision-Making Correspondence) are records which must be forwarded to the CEO and stored in accordance with the <i>State Records Act 2000</i> and the State Records Commission's guidance on local government elected members' records.	✓			This is straightforward enough to include in policy, but potentially quite challenging to monitor and enforce compliance of.
62	The Code require all council members, committee members and employees of a local government, where information technology facilities are provided by the local government, to use those facilities for any matter relating to the business of the local government or the performance of the duties or functions of their office or employment.	✓			
69	The Code require council members, committee members and employees of a local government to disclose any actual or perceived conflicts of interest (conflict of interest) that arise in the discharge of their duties and functions; and in sufficient detail so as to: <ul style="list-style-type: none"> <li>• identify what the conflicting interest is and the reason why it gives rise to an actual or perceived conflict; and</li> <li>• enable a third-party to assess the nature and extent of the conflict.</li> </ul>	✓			The final bullet point requirement is a little subjective. It would be proposed that the Department prepare a template and guidance material to assist with compliance.
70	Where a council member, committee member or employee has a conflict of interest in relation to a matter before a council or committee meeting, the Code require the council member, committee member or employee to disclose that conflict: <ul style="list-style-type: none"> <li>• to the CEO in writing and as soon as practicable prior to that meeting; or</li> <li>• if that is not practicable, orally at the commencement of the meeting and then in writing to the CEO as soon as practicable after the conclusion of the meeting.</li> </ul>	✓			

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
71	<p>The Code prohibit council members, committee members and employees who declare a conflict of interest from discharging any of their duties or functions in relation to that conflict, unless:</p> <p>i) in the case of a council member at a council meeting or a committee member at a committee meeting,</p> <ul style="list-style-type: none"> <li>• at the meeting the council member or committee member discloses the conflict orally and in sufficient detail; and</li> <li>• the council or committee, having regard to the disclosure, the nature and extent of the conflict and the advice of the CEO, resolves by absolute majority vote: <ul style="list-style-type: none"> <li>○ that it is appropriate to permit that council member or committee member to participate in discussions or decision-making processes at the meeting in relation to that matter; and</li> <li>○ the extent to which it is appropriate for that council member or committee member to participate in discussions or decision-making processes at the meeting in relation to that matter; and</li> </ul> </li> <li>• the council member or committee member only participates in discussions or decision-making processes at the meeting to the extent of the council's or the committee's resolution;</li> </ul>	✓			<p>In principle, this seems reasonable. There will need to be clear guidelines/policy in place however to ensure that any decision-making is as objective and consistent as possible.</p> <p>All instances should be clearly recorded (as per 73-74).</p>
	<p>ii) in the case of a council member who declares a conflict of interest in relation to any other aspect of their role, for example, in relation to their attendance at a council briefing session:</p> <ul style="list-style-type: none"> <li>• the CEO, having regard to the council member's disclosure and the nature and extent of the conflict, decides: <ul style="list-style-type: none"> <li>○ that it is appropriate to permit that council member to discharge his or her duties and functions in the matter; and</li> <li>○ the extent to which it is appropriate for that council member to discharge his or her duties and functions in the matter; and</li> </ul> </li> <li>• the council member or committee member only discharge his or her duties and functions in the matter to the extent decided by the CEO;</li> </ul>		X		<p>This has the potential to place the CEO in an awkward situation if their advice runs counter to the Elected Member's view. The power may be better sitting with the Mayor/President. When the Mayor/President has the conflict, it may be better adjudicated by Council through a process similar to i)</p> <p>Again, with the same caveat as i) regarding the need for clear guidance to ensure fair and consistent decision-making.</p>

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
	iii) in the case of an employee: <ul style="list-style-type: none"> <li>• the employee’s line manager, having regard to the employee’s disclosure and the nature and extent of the conflict, decides:               <ul style="list-style-type: none"> <li>○ that it is appropriate to permit that employee to discharge his or her duties and functions in the matter; and</li> <li>○ the extent to which it is appropriate for that employee to discharge his or her duties and functions in the matter; and</li> </ul> </li> <li>• the employee only discharges his or her duties and functions in the matter to the extent decided by his or her line manager;               <ul style="list-style-type: none"> <li>○ In the case of the CEO, this would be a designated “senior employee”.</li> </ul> </li> </ul>	✓			Again, the comments relating to item i) apply.
	iv) in the case of an employee at a council or committee meeting: <ul style="list-style-type: none"> <li>• the CEO, having regard to the employee’s disclosure and the nature and extent of the conflict, decides:               <ul style="list-style-type: none"> <li>○ that it is appropriate to permit that employee to discharge his or her duties and functions in the matter; and</li> <li>○ the extent to which it is appropriate for that employee to discharge his or her duties and functions in the matter; and</li> </ul> </li> <li>• the employee only discharges his or her duties and functions in the matter to the extent decided by the CEO.</li> </ul>	✓			Again, the comments relating to item i) apply.
72	Where the council, a committee, the CEO or an employee makes a decision in relation to a disclosure of a conflict of interest, including a decision that it is not appropriate for a council member, committee member or employee to participate in discussions or decision-making processes or to exercise duties and functions, detailed reasons for that decision or determination must be given.	✓			
73	All disclosures of conflicts of interest and any decision or determination in Recommendation 71 on that conflict, including the reasons for that decision or determination, be recorded in full in an Expenditure, Interests and Gifts Register.	✓			



**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
74	Where a disclosure of a conflict of interest is made in relation to a council or committee meeting, the disclosure and any decision or determination in Recommendation 71 on that conflict, including the reasons for that decision or determination, be recorded in full in the minutes of the meeting	✓			
75	The Department is to provide examples of, and the Code is to provide guidance on, what constitutes a conflict of interest, what information and level of detail a disclosure of a conflict of interest should contain and how conflicts of interest are to be managed.	✓			This guidance material will be critical to ensure consistency and clarity.
76	The Code incorporate section 5.69 of the <i>Local Government Act 1995</i> .			?	Presumably it will be expected that all officers and members comply with the provisions of the Act. In the interest of making the Code a concise document, it's suggest that the relevant sections be referenced, but not necessarily reproduced verbatim.
77	Council members, committee members and employees should consult the Expenditure, Interests and Gifts Register as soon as practicable after receipt of an agenda for a council or committee meeting and notify the CEO of any interests which may be required to be declared in relation to any items before the meeting.	✓			Sensible advice, but it would be expected that the vast majority of those with a conflict of interest would be aware of such without needing to consult the Register.
78	The Code incorporate the current obligations in Part 5, Division 6, Subdivision 2 of the <i>Local Government Act 1995</i> and require council members, the CEO and designated employees to disclose their financial interests in a primary and annual returns.			?	As per 76
79	The Code require council members, the CEO and senior employees to disclose all financial interests in the primary and then each subsequent annual return and not permit information to be excluded because it was recorded in a previous return	✓			Supported, on the condition that it is sufficient for those completing the returns to simply state "as per previous return" if nothing has changed for a particular item of interest

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
80	The Code require the use of the current forms for primary and annual returns (Form 2 and Form 3, Schedule 1, Local Government (Administration) Regulations 1996) with the following amendments: i) the forms specifically identify the common types of income required to be disclosed, namely, "income from an occupation", "income from a trust", "rent", "share dividends and other income from investments", "bank interest", "commissions" and "sources of other income", with a separate disclosure space for each income type; and ii) the Code and the forms require the person completing the form to provide the name and address of the person or body corporate providing each income source and a description of the relationship between the person completing the form and the person or body corporate providing the income	✓			Supported, with the suggestion that forms undergo broader review to further simplify the disclosure process. It is noted that the onerous nature of completing the documentation can serve as a barrier to compliance.
81	The financial interests disclosed in primary and annual returns be disclosed in an Expenditure, Interests and Gifts Register.	✓			Supported, again noting the administrative work required to collate and maintain such registers. It is suggested that the system of capturing return information be improved to allow for simple copy-paste actions to populate this register.
82	If Recommendations 78-80 are not adopted, the <i>Local Government Act 1995</i> and associated regulations be amended to give effect to the specific changes proposed in those recommendations.	✓			
83	The Department give consideration to further amending the regulated forms for primary and annual returns to require council members and "designated employees" to disclose the names of close family members and entities that they or their close family member control or jointly control, in compliance with Australian Accounting Standard AASB 124 Related Party Disclosures.		X		ASB124's definition of "close members of the family of a person" places no geographical limitation on this requirement. A narrower definition should be chosen.
84	The Department provide guidance to local governments in relation to the disclosure requirements of financial interests in primary and annual returns, consistently with Recommendation 79.	✓			That guidance should be clear and easy to follow.
85	The CEO of a local government or his or her nominee is to be involved, in a substantive way, and responsible for maintaining an Expenditure, Interests and Gifts Register (Recommendation 97), maintaining the local government's conflicts of interest framework (including policies, procedures and training) and identifying potential risks to the integrity of decision-making within the local government.	✓			Reasonable, but consider the administrative work required to do this. In smaller, regional and remote local governments there is less capacity for delegation of this work (and many other duties) by the CEO.

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
88	<p>The Code require:</p> <ul style="list-style-type: none"> <li>• council members, committee members and employees; and</li> <li>• any person or entity who: <ul style="list-style-type: none"> <li>○ requires, or who it is reasonable to believe may require, a decision from the local government; and or</li> <li>○ has, or who it is reasonable to believe may have, directly or indirectly, commercial dealings or a commercial relationship with the local government</li> </ul> </li> </ul> <p>to disclose in full any gift that a council member, committee member or employee receives from that person.</p>			?	<p>If no threshold is being included, what constitutes a gift needs to be very clearly defined.</p> <p>Is a potential supplier giving away a pen at a conference a gift? Is taking a free coffee from a sponsored coffee cart a gift?</p> <p>The desire to remove the financial threshold is understood, but will require clear guidance to prevent it becoming unreasonably burdensome from an administrative perspective</p>
89	<p>Alternatively, if Recommendation 88 is not adopted:</p> <p>i) the State Government consider lowering the prescribed minimum value for gifts that must be declared pursuant to regulation 20A(1) of the <i>Local Government (Administration) Regulations 1996</i> from \$300.00 to \$0.00;</p>			?	As above.
	<p>ii) local governments adopt policies requiring any person declaring a gift to take reasonable steps to ascertain the actual value of the gift and to attach evidence of the value of the gift to the declaration; and</p>	✓			
	<p>iii) the declaration form be prescribed by the <i>Local Government (Administration) Regulations 1996</i>; and</p>	✓			
	<p>iv) all gift declarations be recorded on the Expenditure, Interests and Gifts Register.</p>	✓			Again, noting the potential administrative implications of reducing the threshold to zero.
90	<p>Specific information from the Expenditure, Interests and Gifts Register be published on the local government's website, comprising:</p> <ul style="list-style-type: none"> <li>• conflicts of interest, or impartiality, financial and proximity interests, if Recommendation 69 is not adopted, declared by council members, committee members, the CEO and senior employees;</li> <li>• interests disclosed in primary and annual returns by council members, the CEO and senior employees; and</li> <li>• any failures by council members, committee members, the CEO and senior employees to declare gifts or interests, together with the explanation given by that person for the failure.</li> </ul>			?	Given the administrative implications of this, it would be simpler to make the Register itself available.

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
91	The Expenditure, Interests and Gifts Register be independently audited by an independent auditor once each financial year, with the results of the audit published on the local government's website as soon as they become available.		X		Rather than creating a new audit process, surely this could instead be incorporated into one of the existing independent audit processes.
92	That section 5.62(1B)(a) of the <i>Local Government Act 1995</i> be repealed.			?	Again, the administrative effort required to comply, versus the actual outcomes of that compliance, need to be considered. If Council's policy (as per 5.90) is reasonably drafted and adhered to, is there significant risk in 5.62(1B)(a)(ii)?
93	Section 5.98 of the <i>Local Government Act 1995</i> and Part 8 of the <i>Local Government (Administration) Regulations 1996</i> be amended to enable the Salaries and Allowances Tribunal to set categories of, and caps on, permissible council member allowances or entitlements.	✓			Supported, provided there is a degree of flexibility which considers the varied environments elected members find themselves in across the WA sector.
104	The <i>Local Government (Administration) Regulations 1996</i> be amended to provide for the contract of employment for a CEO to be based on a model contracts to be developed by the Department.		X		Model contracts are already in place developed by WALGA and LG Professionals. If the goal is standardisation, there is no need to reinvent the wheel here.
105	The Department establish standardised professional leadership competencies for local government CEOs in each classification band.	✓			
106	The Department adopt guidelines for the use of those standardised professional leadership competencies of a CEO (Recommendation 105) in respect of: <ul style="list-style-type: none"> <li>• the CEO's initial recruitment; and</li> <li>• His or her ongoing performance and the review of that performance (including termination of employment)</li> </ul>	✓			
107	The CEO model standards prescribed pursuant to section 5.39A of the <i>Local Government Act 1995</i> require local governments to develop and use criteria for the selection and employment of a CEO and the review of a CEO's performance that, at a minimum, include the professional leadership competencies articulated by the Department pursuant to Recommendation 105.	✓			Supported, noting that some smaller, region and remote local governments may require assistance to effectively manage this process (and such assistance generally has a cost attached).
108	Section 5.39B of the <i>Local Government Act 1995</i> be amended to require local governments to comply with the requirements of the CEO model standards.	✓			Again, maintaining awareness of the cost of compliance

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
109	The up-to-date version of the professional leadership competencies and the most recent CEO selection criteria used by the local government, as adopted by the local government, be publicly available on the local government's website.		X		If it is a Departmental set of competencies, it does not seem appropriate for it to be put and maintained on each individual Local Government's website.
110	The Department consider requiring local governments to publish in their annual reports the details related to the employment of a CEO, including the total value of the annual remuneration, the term of the contract and the documented reasons for the decision on the salary to be paid		X		Not supported, the remuneration established between the employer and employee is those entities concern and no others. In smaller, regional and remote local governments in particular, the publicization of this information can create both professional and social challenges for the CEO. Councils must already keep remuneration within the SAT Band set by the State, what would provision of this information achieve?
111	The Department establish a panel of professionals with demonstrated expertise in the recruitment and selection and management of performance of executive employees, to assist local governments to recruit, establish key performance indicators for and manage the performance of the CEO.	✓			Supported, again noting the cost impost it may create, and the comments regarding Council representation at 116.
116	The CEO model standards require the recruitment and selection process for a local government CEO be undertaken by a panel (CEO Recruitment Panel) which shall make a recommendation to the council of a local government on the candidate to be appointed as CEO. The CEO Recruitment Panel is to comprise of: <ul style="list-style-type: none"> <li>• A member of the council, appointed to the panel by the council;</li> <li>• An independent third party, with demonstrated expertise in local government; and</li> </ul> a member of the panel described in Recommendation 111, appointed by the Department, with experience in the recruitment and selection and managing the performance of executive employees, who shall provide guidance and advice to the CEO Recruitment Panel.		X		There is no rationale with this amendment. Council are elected by the community to provide good governance to the district. The requirement to have an independent member appointed to the panel serves no benefit. It should be up to the individual Council to determine if they wish to engage the services of an independent, qualified and licensed recruitment consultant to assist them with the recruitment process for a new CEO.

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
117	The CEO model standards prescribe that the council of a local government: <ul style="list-style-type: none"> <li>• must not employ a CEO in the absence of a recommendation from a CEO Recruitment Panel;</li> <li>• must allow the members of the CEO Recruitment Panel to be present during discussions of the Panel's recommendation;</li> <li>• may accept the CEO Recruitment Panel's recommendation;</li> <li>• may reject the CEO Recruitment Panel's recommendation and appoint another person as CEO, but must provide detailed reasons for doing so; and</li> </ul> may require further information before deciding whether to accept or reject the CEO Recruitment Panel's recommendation.		X		The selection panel should be established as a committee so that records are kept and code of conduct applies. The deletion of r.18c removes Councils input into the selection process and is not supported as this is one of Council's main roles; to employ a CEO.
118	The appointee of the Department to a CEO Recruitment Panel prepare the report to council on the recruitment and selection process for a local government CEO, including the decision of council to accept or reject the Panel's recommendation and the reasons given by the Council for that decision.		X		This could just as easily be carried out by the independent third party, or any other suitably skilled or qualified member of the committee.
119	The appointee of the Department to raise any probity concerns, with the Department, including potential breaches of the legislation.	✓			Is this not something the Department should already be doing for the industry?
120	The Department monitor trends in CEO recruitments and selections and provide advice to local governments on areas for improvement.	✓			Suggest that any advice of that nature also be communicated to industry bodies as well.
121	The Department consider developing a sector-wide standard format for the CEO Performance and Development Agreements and Assessments	✓			Supported, provided that the model is flexible enough to deal with diversity in the role between local governments.

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
122	<p>The CEO model standards require the review of the performance of a local government CEO be facilitated by a panel (CEO Performance Advisory Panel), which shall make a recommendation and provide a report to the council of a local government on the outcome of that review. The CEO Performance Advisory Panel is to comprise:</p> <ul style="list-style-type: none"> <li>• a member of the council, appointed to the committee by the council;</li> <li>• an independent third party with demonstrated expertise in local government, and/or the recruitment and selection and managing the performance of executive staff, appointed by the council; and</li> </ul> <p>one of whom is a member of the panel described in Recommendation 111 nominated by the Department, who shall be experienced in the recruitment and selection and managing the performance of executive employees and provide guidance and advice to the CEO Performance Advisory Panel.</p>		X		Clause 8 of the Draft Regulations requires the selection panel to include at least one person who is neither a council member nor an employee of the local government. There is no guidance on the skills, experience or knowledge of the independent person, or their role on the panel. This has the potential to pose significant risk to the local government, as there are inadequate controls on the conduct of such a person (i.e. they will not be captured by a Code of Conduct as Panel is not a committee of Council). WALGA supports the ongoing use of an independent qualified and licensed recruitment consultant to provide guidance (as opposed to active participation) in both the recruitment process and to assist with obligations to finalise the employment of a CEO.
123	<p>The CEO model standards to prescribe the council of a local government:</p> <ul style="list-style-type: none"> <li>• review a CEO's performance guided by a recommendation from a CEO Performance Advisory Panel;</li> <li>• must allow the members of the CEO Performance Advisory Panel to be present during council's discussions of the Panel's recommendation;</li> <li>• may accept the CEO Performance Advisory Panel's recommendation with or without modifications, but if the Panel's recommendation is modified must provide detailed reasons for doing so;</li> <li>• may reject the CEO Performance Advisory Panel's recommendation and adopt an alternative outcome for the review, but must provide detailed reasons for doing so; and may require further information before deciding whether to accept or reject the CEO Performance Advisory Panel's recommendations.</li> </ul>	✓			
124	<p>The appointee of the Department to a CEO Performance Advisory Panel prepare the report to council on the local government CEO's performance review assessment and outcome, including the decisions of council, the reasons for them and the process undertaken.</p>		X		As per 118

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
125	The council is to afford to the CEO procedural fairness by providing: <ul style="list-style-type: none"> <li>The CEO Performance Advisory Panel's report to the CEO prior to the council meeting at which council will decide the outcome of the review; and</li> </ul> Sufficient time for the CEO to respond to any adverse statements in the report.	✓			
126	The report to council is to include the report of the CEO Performance Advisory Panel and any response provided by the CEO, as described in recommendation 125.	✓			
127	Immediately following the council meeting where the report described in Recommendation 126 is considered, the CEO be provided with written advice from the council on the decision and any reasons for that decision and any areas for improvement.	✓			"Immediately" can sometimes be a challenging deadline to meet.
128	All records related to Recommendations 124-127 are to be recorded in accordance with the requirements of the <i>State Records Act 2000</i> .	✓			
129	The appointee of the Department to raise any probity concerns with the Department, including potential breaches of the legislation.	✓			
130	The Department monitor trends in CEO recruitments and provide advice to local governments on areas for improvement.	✓			Suggest any such advice be made to the sector as a whole (WALGA & LG Professionals, as well as local governments)



**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
133	<p>The CEO model standards require that before a local government terminates a CEO's employment, the Council of the local government must record in writing, and provide to the CEO, the reasons for the termination, including:</p> <ul style="list-style-type: none"> <li>• The date on which the decision is made;</li> <li>• If the termination was by consent, the reasons given by the council and the CEO for consenting to the termination;</li> <li>• If the termination was for serious misconduct or other conduct justifying summary dismissal, the precise conduct said to give rise to the termination; and</li> <li>• If the termination was for poor performance or non-performance of the CEO's duties or functions: <ul style="list-style-type: none"> <li>○ the precise way in which the CEO's performance was poor, expressed by reference to the criteria for performance described in recommendation 107;</li> <li>○ the impact that performance had on the good government of the local government;</li> <li>○ the steps which were taken by the council to remedy the poor performance; and</li> </ul> </li> </ul> <p>any comment or response provided by the CEO in respect of his or her performance, which comment or response the Council must seek.</p>	✓			
134	<p>The written statement of reasons described in Recommendation 133:</p> <ul style="list-style-type: none"> <li>• where it concerns termination of the CEO's employment other than with the CEO's consent, be prepared with the professional assistance of an independent third party described in Recommendation 111; and</li> </ul> <p>be kept as a record of the local government in accordance with the <i>State Records Act 2000</i>.</p>	✓			
135	<p>The <i>Local Government (Administration) Regulations 1996</i> be amended to provide that no decision to terminate the employment of a CEO may be made within three months after a local government election, except in the case of serious misconduct or mutual agreement.</p>	✓			

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
136	The State Government consider amending section 7A of the <i>Salaries and Allowances Act 1975</i> to replace the words “paid or provided” with the words “offered, paid or provided”.	✓			
137	The State Government consider amending regulation 18F of the <i>Local Government (Administration) Regulations 1996</i> to replace the word “paid” with the words “paid or offered”.	✓			
140	Section 4.31(1G) of the <i>Local Government Act 1995</i> be amended so that a body corporate owning or occupying rateable property can only nominate officers of the body corporate to vote on its behalf.	✓			
141	The <i>Local Government (Elections) Regulations 1997</i> be amended so that ballot papers can only be sent to the elector’s address as shown on the State electoral roll and or the Commonwealth electoral roll	✓			
142	Section 4.32(3) of the <i>Local Government Act 1995</i> and the <i>Local Government (Elections) Regulations 1997</i> be amended to prescribe that an occupier must either: i) pay a minimum amount of rent; or ii) have the right to occupy a minimum amount of floor space, in relation to a property, in order to be eligible to be enrolled on the owners and occupiers roll by reason of the occupation of that property	✓			
143	Section 4.31(1C) of the <i>Local Government Act 1995</i> be amended to add, as an additional criterion of eligibility to enrol to vote as a non-resident occupier, that the person uses and intends to continue to use the relevant rateable property for a genuine purpose.	✓			Support the principle, but note that there is a degree of subjectivity involved
144	If Recommendations 142-143 are not adopted, the State Government consider whether to amend the <i>Local Government Act 1995</i> , so non-resident occupiers of property are not eligible to vote or nominate as candidates in elections			?	Is it appropriate that non-resident occupiers are denied the right to nominate or vote? As a rural local government where this issue doesn’t exist it’s unclear to what degree this presents a threat to democracy
145	Before each biennial local government election cycle, the Department audit the eligibility of candidates and electors across local governments.			?	Will this represent an additional cost to the local government? Is it not something the CEO or administration could carry out?
146	The Western Australian Electoral Commission (WAEC) consider and review the adequacy of its practices and procedures regarding to the handling and investigation of electoral complaints.	✓			Noting that, currently at least, the WAEC does not conduct all local government elections

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
147	Section 4.98 of the <i>Local Government Act 1995</i> be repealed and section 94 of the Criminal Code be amended so that Chapter XIV of the Criminal Code applies to local government elections.	✓			
162	Section 5.37(2) of the <i>Local Government Act 1995</i> be repealed	✓			As noted in the inquiry report, this removes potential confusion regarding Council's role in administration
163	The State Records Office give consideration to whether the requirement to retain recruitment records of "other staff" for 12 months is sufficient or whether recruitment records should be retained for a greater time of period to enable better scrutiny of the process.	✓			Councils will act in accordance with the SRO's decisions, but would hope to be consulted in the process.
188	The State Government consider amendments to the <i>Local Government Act 1995</i> to provide for better practice financial management through the establishment of Local Government Financial Management Instructions (similar to the Treasurer's Instructions for State Government) that establish a minimum set of standards and requirements for the financial administration of local government (Financial Management Instructions).	✓			It is noted that Local Government has been calling for reviews and updates to a range of elements, particularly ratios, for some time.
189	The "WA Accounting Manual" be reviewed, updated and promulgated by the Department within the next 12 months.	✓			The Department website has had this as being released soon for the past 25 years. Edition 3 (incomplete) was updated September 2012
190	The Minister for Local Government consider prescribing the format of the annual budget and financial report to provide consistency across local government.	✓			Supported with the expectation that the format be developed in consultation with the sector, including the major financial software providers to the sector to ensure the finished product is fit for purpose and can be readily implemented on existing software platforms
191	The Department consider issuing a better practice guide for business plans for major trading undertakings required under regulation 10 of the <i>Local Government (Functions and General) Regulations 1996</i> .	✓			
192	The Department increase its regulatory role in the oversight of compliance audit returns and the issuing of directions to local governments who have not established business plans for major trading undertakings required under regulation 10 of the <i>Local Government (Functions and General) Regulations 1996</i> .	✓			

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
193	The Department consider an amendment to the annual compliance return for the declaration of the date of the last review of the appropriateness and effectiveness of the City's financial management systems and procedures, as required by regulation 5(2)(c) of the <i>Local Government (Financial Management) Regulations 1996</i> .		X		This could simply be checked by auditors during annual audit processes to ensure compliance.
194	Regulation 13 of the <i>Local Government (Audit) Regulations 1996</i> be amended to require a local government to report on whether the CEO has complied with regulation 5(2)(c) of the <i>Local Government (Financial Management) Regulations 1996</i> .		X		As above
195	The Department publish better practice examples of plans required under the integrated planning and reporting framework.	✓			Ensuring consideration is given to the diversity of Local Governments across WA
196	The Department develop a guide on better practice cost allocation models for the allocation of internal costs within financial budgeting, planning and reporting.	✓			
197	The Department consider developing sector professional capabilities for local government finance employees	✓			Such capability frameworks may also be of value in other areas of Local Government (e.g. planning, community engagement, ICT, works and services etc.)
244	The Department review, update and promulgate its publication "Risk Management Resources", including the "Model Risk Management Policy", having regard to current industry standards and best practice.	✓			Support, with suggestion that the Department consult with the sector, including LGIS, who provide risk management services to most local governments
292	Local governments be required to develop a complaints resolution procedure based on the Australian/New Zealand Guidelines for complaint managements in organisations AS/NZS 10002:2014.		X		This is not going to be realistic for all smaller, regional and remote local governments. It would be helpful if a template procedure could be developed by the Department to provide a starting point.
293	The Department establish better practice guidelines for councils and CEOs on complaint handling in local government.	✓			
294	All council members and employees of local governments be trained and assessed on the complaints handling process, as part of any training on the Code, by an industry-accredited provider on the commencement of the policy.		X		Whilst training on complaints handling is supported, the cost and difficulty of finding an industry-accredited provider who can deliver this for small, regional and remote local governments has not been considered in this recommendation. There should be consideration given to either the use of template departmental training, or the ability to deliver this training in-house (e.g. as part of employee induction).

**SHIRE OF JERRAMUNGUP  
INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
323	An office of Inspector of Local Government (Inspector) be established as an independent statutory office, responsible to the Minister for Local Government	✓			Supported, noting concerns around whether the cost of an investigation will be borne by the local government

DRAFT

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

325	<p>The inspector be conferred with powers to:</p> <ul style="list-style-type: none"> <li>i) issue Standards establishing minimum standards that local governments must comply with, for example, in relation to procurement and contracting, governance, human resources and strategic planning;</li> <li>ii) require, by notice in writing, a person to produce any record or thing relating to the Inspector's investigations, audits or examinations;</li> <li>iii) require, by notice in writing, a local government, council member or employee to produce a written statement of information relating to the Inspector's investigations, audits or examinations;</li> <li>iv) require a person to attend and be examined on oath or affirmation;</li> <li>v) conduct examinations in public or private, as the Inspector thinks fit, having regard to the public interest and the matter before the Inspector;</li> <li>vi) prohibit any person examined in private from disclosing the requirement to attend for the examination or the content of that examination to any other person without the Inspector's express prior written authorisation;</li> <li>vii) to issue improvement notices on local governments, requiring local governments to remedy any failures to comply with the <i>Local Government Act 1995</i> or other statutory instruments or any matter which, in the reasonable opinion of the Commissioner, amounts to a failure to provide good government or good governance;</li> <li>viii) require parties to a complaint, an allegation of breach, or referred matter, to attend a mediation of the complaint, breach or matter, or to undertake another form of alternative dispute resolution that, in the opinion of the Inspector, is best suited to the matter before him or her;</li> <li>ix) refer suspected contraventions of the law to an appropriate external agency, such as the Corruption and Crime Commission or the Western Australia Police Force;</li> <li>x) delegate any of his or her functions to officers holding prescribed offices within the office of the Inspector; and</li> </ul>	✓			<p>It is noted that, at times, information sharing between the CCC and Department is imperfect when it comes to the carrying out of investigations. It would be prudent to seek to address this as part of the establishment of the inspectorate.</p>
-----	--	---	--	--	---

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
	do all things that are necessary for or incidental to the discharge of the Inspector's duties and functions.				
326	The Inspector be a legal practitioner of at least 10 years' experience, with sufficient skills and experience in local government to properly discharge the roles and duties associated with the office.	✓			
327	The office of the Inspector be appropriately resourced and staffed with personnel having the necessary skills and experience to support the Inspector to carry out his or her statutory duties and functions, including investigative, regulatory and legal expertise.	✓			
328	The office of the Inspector be independently audited at no less than three-year intervals to assess whether he or she is meeting his or her objectives and properly discharging his or her duties and functions.	✓			Support; assuming the Office of the Auditor General will assume responsibility for this audit and suggest relevant outcomes of the audit be public.
329	The Inspector report to the Minister for Local Government annually, and otherwise on request by the Minister, on the performance of the Inspector's functions or the discharge of his or her duties.	✓			
330	Consequential amendments be made to Part 8 of the <i>Local Government Act 1995</i> to give effect to Recommendations 323-329.	✓			
331	If Recommendations 323-329 are not adopted: <ul style="list-style-type: none"> <li>the proposed functions of the Inspector be conferred on the Department; and/or</li> </ul> the State Government consider alternative models used in other States and Territories in Australia for regulating the local government sector	✓			Supported, again noting the importance of recommendation 327 regardless of how the office of the inspector is constituted
332	The <i>Local Government Act 1995</i> be amended to: <ul style="list-style-type: none"> <li>abolish the Local Government Standards Panel; and</li> </ul> give the State Administrative Tribunal jurisdiction to deal with alleged failures by council members to comply with their obligations under the Code.	✓			
333	On a finding that a council member has failed to comply with his or her obligations under the Code, the State Administrative Tribunal have the power to make an order that the council member be publicly censured, be made to apologise publicly, undertake training, be suspended for a period of not more than six months, be disqualified for a period of not more than five years and/or be made to pay a fine.	✓			

**SHIRE OF JERRAMUNGUP**  
**INQUIRY INTO THE CITY OF PERTH RECOMMENDATION RESPONSE**

#	RECOMMENDATION	SUPPORT	OPPOSE	UNSURE	COMMENTS
334	The Magistrates Court be given jurisdiction to deal with serious failures of council members and employees of local governments to comply with designated obligations under the Code, including, for example, serious failures to disclose conflicts of interest or financial interests	✓			
335	On a finding that there has been a serious failure by a council member or employee of a local government to comply with a designated obligation under the Code, the Magistrates Court have the power to order a term of imprisonment or that the council member or employee be made to pay a fine	✓			
336	In the event that Recommendations 323-324 are not adopted, the State Government consider appointing a suitably qualified person or panel of persons to prepare and publish a 'bench book' for inquiries conducted by Inquiry Panels under Part 8, Division 2 of the <i>Local Government Act 1995</i> to provide guidance to inquiries of that type and to provide model documentation including, for example, model practice directions, model notices to produce documents, and the like.	✓			
337	The <i>Royal Commissions Act 1968</i> be amended to: <ul style="list-style-type: none"> <li>• clarify the Royal Commission's power to make orders of non-disclosure; and</li> </ul> enable a Royal Commission, when issuing a summons or a notice to produce, to prohibit the recipient from disclosing the summons or the notice to any other person.	✓			
338	The <i>Royal Commissions Act 1968</i> be amended to give a Royal Commission the power to examine documents over which legal professional privilege is claimed for the purposes of verifying the claim of privilege.	✓			